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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-827

11 **TERRA EARLY DYER**
12 **13447 N. Central Expressway, #921**
13 **Dallas, TX 75243**
14 **Registered Nurse License No. 665320**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about April 8, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official
18 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
19 Affairs, filed Accusation No. 2011-827 against Terra Early Dyer ("Respondent") before the
20 Board of Registered Nursing.

21 2. On or about September 9, 2005, the Board of Registered Nursing ("Board") issued
22 Registered Nurse License No. 665320 to Respondent. The Registered Nurse License was in full
23 force and effect at all times relevant to the charges brought herein and expired on April 30, 2011.
24 Pursuant to Business and Professions Code section 118, this lapse in licensure however, does not
25 deprive the Board of its jurisdiction to take disciplinary action against Respondent's license.

26 3. On or about April 8, 2011, Respondent was served by Certified and First Class Mail
27 copies of the Accusation No. 2011-827, Statement to Respondent, Notice of Defense, Request for
28 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at

1 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
2 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
3 on record with the Board was and is:

4 **13447 N. Central Expressway, #921**
5 **Dallas, TX 75243.**

6 4. Service of the Accusation was effective as a matter of law under the provisions of
7 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

8 5. The aforementioned documents were not returned by the U.S. Postal Service marked
9 as undeliverable.

10 6. Government Code section 11506 states, in pertinent part:

11 “(c) The respondent shall be entitled to a hearing on the merits if the respondent
12 files a notice of defense, and the notice shall be deemed a specific denial of all parts
13 of the accusation not expressly admitted. Failure to file a notice of defense shall
14 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
15 may nevertheless grant a hearing.”

16 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
17 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
18 827.

19 8. California Government Code section 11520 states, in pertinent part:

20 “(a) If the respondent either fails to file a notice of defense or to appear at the
21 hearing, the agency may take action based upon the respondent's express admissions
22 or upon other evidence and affidavits may be used as evidence without any notice to
23 respondent.”

24 9. Pursuant to its authority under Government Code section 11520, the Board finds
25 Respondent is in default. The Board will take action without further hearing and, based on the
26 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
27 taking official notice of all the investigatory reports, exhibits and statements contained therein on
28 file at the Board's offices regarding the allegations contained in Accusation No. 2011-827, finds
that the charges and allegations in Accusation No. 2011-827, are separately and severally, found
to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$570.00 as of May 4, 2011.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Terra Early Dyer has subjected her Registered Nurse License No. 665320 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case.:

a. **Disciplinary Action by the Texas Board of Nursing.** Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the grounds of unprofessional conduct in that Respondent was disciplined by the Texas Board of Nursing ("Texas Board").

i. On or about March 12, 2007, pursuant to the Agreed Order issued by the Texas Board, in the disciplinary action entitled *In the Matter of Registered Nurse License Number 244595 issued to Terra Early Dyer*, the Texas Board disciplined Respondent's registered nurse license by suspending Respondent's license until such time that Respondent enters into a contract with the Texas Peer Assistance Program for Nurses and pays a five-hundred dollar participation fee for the program. The basis for the order is as follows:

ii. On or about March 3, 2002, Respondent was placed under an order of deferred adjudication for a period of one year for the offense of theft of property, under Cause Number 2002-1-662, in the County Court at Law #1 of Grayson County, Texas.

iii. On or about June 5, 2004, Respondent was arrested at Wal-Mart, Denison, Texas, by the Denison Police Department, for the offenses of possession of a controlled substance, possession of drug paraphernalia, and public intoxication, which was filed with the County Attorney on May 31, 2005, under Cause Number 2005-1-664, in the County Court at Law #1 of Grayson County, Texas.

1 **b. False Statement on License Application.** Respondent is subject to disciplinary
2 action under section 2761, subdivision (e) for making a false statement in connection with the
3 issuance of her registered nurse license. The circumstances are as follows:

4 i. On or about April 30, 2008, Respondent submitted her renewal application
5 to the Board for her Registered Nurse license.

6 ii. The renewal application asked Respondent to answer the following
7 question, "Since you last renewed your license, have you had any license disciplined by a
8 government agency or other disciplinary body; or, have you been convicted of any crime
9 in any state, the USA and its territories, military court, or a foreign county?"

10 iii. To this question, Respondent answered, "No."

11 iv. Since Respondent renewed her application, she had been disciplined by the
12 Texas Board. The discipline is more thoroughly described in paragraph 3, subparagraphs
13 (a)(i-iii), inclusive, above, and herein incorporated by reference.

14 **c. Unprofessional Conduct.** Respondent is subject to disciplinary action under Code
15 section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The
16 conduct is more particularly described in paragraph 3, subparagraphs (a)(i-iii) and (b)(i-iv),
17 inclusive, above, and herein incorporated by reference.

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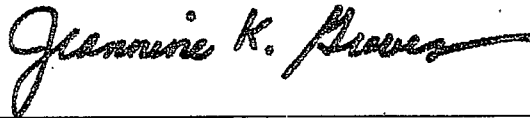
ORDER

IT IS SO ORDERED that Registered Nurse License No. 665320, heretofore issued to Respondent Terra Early Dyer, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on July 30, 2011.

It is so ORDERED June 30, 2011



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID: LA2011501450
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8 **BEFORE THE**
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9 **DEPARTMENT OF CONSUMER AFFAIRS**
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10 In the Matter of the Accusation Against:

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12 **13447 N. Central Expressway, #921**
13 **Dallas, TX 75243**
Registered Nurse License No. 665320

A C C U S A T I O N

14 Respondent.

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16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
20 Consumer Affairs.

21 2. On or about September 9, 2005, the Board of Registered Nursing issued Registered
22 Nurse License Number 665320 to Terra Early Dyer ("Respondent"). The Registered Nurse
23 License was in full force and effect at all times relevant to the charges brought herein and will
24 expire on April 30, 2011, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code ("Code") unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

(e) Making or giving any false statement or information in connection with the application for issuance of a certificate or license...”

COST RECOVERY

8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

agency or other disciplinary body; or, have you been convicted of any crime in any state, the USA and its territories, military court, or a foreign county?"

c. To this question, Respondent answered, "No."

d. Since Respondent renewed her application, she had been disciplined by the Texas Board. The discipline is more thoroughly described in paragraph 10, subparagraphs (a) and (b), inclusive, above, and herein incorporated by reference,

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

12. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 10, subparagraphs (a) and (b) and paragraph 11, subparagraph (a) through (d), inclusive, above, and herein incorporated by reference.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 665320, issued to Terra Early Dyer;

2. Ordering Terra Early Dyer to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

3. Taking such other and further action as deemed necessary and proper.

DATED: April 8, 2011

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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